

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

Claims 1 and 22 have been amended to even more particularly define the various embodiments of the invention. Claims 1-7, 10, and 22-25 remain pending in the application. Claims 1 and 22 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) - Kitao, Aubry, and Sengewald

Claims 1-7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,195,964 to Kitao and U.S. Patent No. 4,708,705 to Aubry et al. (hereinafter "Aubry") and further in view of U.S. Patent No. 4,888,523 to Sengewald. The Office Action acknowledges that Kitao and Aubry fail to disclose that "the material required for forming the bags is fed in the form of a single film web that is wound up on a roll" (Office Action page 3). But, the Office Action asserts that "it would have been obvious . . . to provide the material required for forming the bags is fed in the form of a single film web that is wound up on a roll as taught in Sengewald reference, to improve the process for manufacturing a bag of Kitao."

The rejection of claims 1-7 and 10 under § 103(a) based on Kitao, Aubry, and Sengewald is respectfully deemed to be obviated. The examiner relies upon the disclosure of Sengewald to rectify the deficiencies of Kitao and Aubry that were noted in Applicants' previous replies. For at least all of the reasons presented in Applicants' previous replies and for the following reasons, the combined disclosures of Kitao, Aubry, and Sengewald would not have rendered obvious Applicants' presently claimed invention.

First, the asserted combination of references does not meet each feature of Applicant's presently claimed process. Instant claim 1 defines a process that includes, *inter alia*, the steps of "feeding the bag-forming material that is in a form of a single film web and that is wound up on a roll"; "unwinding the wound film web"; "cutting the unwound film web into four film segments"; "connecting the four film segments to form a film tube having four outer walls that are connected respectively by four seams, at least one part of the four seams of the film tube being formed by a joining process in which additional adhesive or extrudate joining material is applied on the seam"; "winding up the formed film tube"; "unwinding the wound film tube"; and "sealing the connected film segments so as to form at least one sealed end of the bag."

Second, Applicants respectfully disagree with the Office Action's assertion that "it would have been obvious . . . to

provide the material required for forming the bags is fed in the form of a single film web that is wound up on a roll as taught in Sengewald reference, to improve the process for manufacturing a bag of Kitao." Applicants submit that the person having ordinary skill in the art would not have combined the teachings of these three references. More specifically, for the following reasons, Applicants submit that *the teachings of Kitao and Sengewald are not logically combined.*

Kitao discloses a process for forming an inner bag for loading into a cylindrical container. The *closed-bottom* inner bag consists of two hexagonal and two pentagonal sheets (polymer foils) that are bonded together by a heat sealing process.

Kitao most certainly does not teach Applicants' claimed steps of "feeding the bag-forming material that is in a form of a single film web and that is wound up on a roll"; "unwinding the wound film web"; "cutting the unwound film web into four film segments"; "connecting the four film segments to form a film tube having four outer walls that are connected respectively by four seams, at least one part of the four seams of the film tube being formed by a joining process in which additional adhesive or extrudate joining material is applied on the seam"; "winding up the formed film tube"; "unwinding the wound film tube"; and "sealing the connected film segments so as to form at least one sealed end of the bag."

And, Sengewald does not relate to producing a closed-bottom bag made from four segments. Instead, Sengewald discloses producing a bag having four walls which are not joined individually, but rather, are made from one piece. So, for one having ordinary skill in the art, there would have been no need to look to the teaching of Kitao. That is, there would be no need to apply the teaching of Kitao to the process disclosed by Sengewald because performing the steps of Sengewald alone leads to the production of bags.

In short, it can be said that Kitao teaches using separate web pieces to make a bag therefrom, whereas Sengewald teaches using a one-piece tube and then separating tube pieces in order to form bags. These two approaches are therefore contradictory and would not be combined by one skilled in the art.

Therefore, the combined disclosures of Kitao, Aubry, and Sengewald would not have rendered obvious the invention defined by claim 1. Claims 2-7 and 10 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

35 U.S.C. § 103(a) – Kitao, Aubry, Sengewald, and GB '264

Claims 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitao, Aubry, Sengewald, and further in view of GB 1,057,264 ("GB '264").

The rejection of claims 22-25 under § 103(a) based on Kitao, Aubry, Sengewald, and GB '264 is respectfully deemed to be obviated. For at least the reasons presented in Applicants' previous replies, for the reasons presented above in response to the rejection of claims 1-7 and 10, and for the following reasons, the combined disclosures of Kitao, Aubry, Sengewald, and GB '264 would not have rendered obvious Applicants' claimed invention.

Before turning to the detailed remarks in response to this rejection, Applicants wish to emphasize the following point. In the asserted obviousness rejection, the Office Action rejects the independent claim based on a combination of four references. Applicants respectfully submit that in view of the fact that the examiner must rely upon the combined teachings of four references in order to meet the features of the claimed invention, that fact alone, in and of itself, is evidence of the nonobviousness of the instant invention.

Instant claim 22 defines an embodiment of the invention that includes "a film tube having four separate and individual side walls cut from a single film web, and four corresponding seams that join each of the four side walls to an adjacent side wall, each of the seams including an applied layer of extruded heated adhesive located on an edge of each of the side walls."

Regardless of the disclosure of GB '264 with regard to a tubular film roll, for at least the reasons provided above, the

disclosure of Sengewald is not logically combined with that of Kitao.

And, using the disclosure of Sengewald in the asserted combination precludes attaining Applicants' presently claimed invention. See Sengewald's Figures 6-12. Sengewald produces a bag having four walls *which are not joined individually, but rather, are made from one piece.* That is not Applicants' claimed tubular film roll having "four separate and individual side walls cut from a single film web, and four corresponding seams that join each of the four side walls to an adjacent side wall."

Therefore, the combined disclosures of Kitao, Aubry, Sengewald, and GB '264 would not have rendered obvious the invention defined by claim 22. Claims 23-25 are allowable because they depend, either directly or indirectly, from claim 22, and for the subject matter recited therein.

35 U.S.C. § 102(b) – GB '264

Claims 22-25 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by GB '264.

The rejection of claims 22-25 under § 102(b) based on GB '264 is respectfully deemed to be obviated. The disclosure of GB '264 does not anticipate Applicant's presently claimed invention.

First, contrary to the Office Action's assertion, Applicants respectfully submit that claim 22 is not a product-by-

process claim. Claim 22 defines a tubular film roll. The claimed *structural elements* of the roll include "a film tube having four separate and individual side walls," and "four corresponding seams that join each of the four side walls to an adjacent side wall." In addition, "each of the seams includ[es] an applied layer of extruded heated adhesive located on an edge of each of the side walls."

GB '264 fails to teach, *inter alia*, Applicants' claimed "seams [that include] an applied layer of extruded heated adhesive located on an edge of each of the side walls."

Since GB '264 does not meet each feature of the claimed invention, GB '264 does not anticipate the invention defined by Applicants' instant claim 22. Claims 23-25 are allowable because they depend from claim 22, and for the subject matter recited therein.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

U.S. Appln. No.: 10/544,101
Atty. Docket No.: P70652US0

interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: 
Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N. W.
Washington, D.C. 20004
Telephone: (202) 638-6666
Date: January 25, 2010